# Libertarianism

## 1NC

### 1NC FW

omitted

### 1NC Contention

#### I’ll defend the status quo.

#### First, There is nothing apriori about handguns that violates freedomit might make it easier to do so but that isn’t morally relevant under the NC framework. —thus a restriction would be violating the owners freedom

Michael Huemer, Social Theory and Practice, Volume 29, Issue 2, April 2003, Is There a Right to Own a Gun?

Begin with the principle that one lacks a right to do things that harm others, treat others as mere means, or use others without their consent. It is difficult to see how owning a gun could itself be said to do any of those things, even though owning a gun makes it easier for one to do those things if one chooses to. But we do not normally prohibit activities that merely make it easier for one to perform a wrong but require a separate decision to perform the wrongful act.

#### Potential for misuse is irrelevant – it’d justify banning books since you can suffocate someone with the pages you tear out.

#### Right to bodily security comes first under the neg. that implies that self defense is an important right. Huemer 2:

I begin by arguing that the right of self-defense is extremely weighty. Consider this scenario:¶ ¶ Example 1 ¶ A killer breaks into a house, where two people—“the victim” and “the accomplice”—are staying. (The “accomplice” need have no prior interaction with the killer.) As the killer enters the bedroom where the victim is hiding, the accomplice enters through another door and proceeds, for some reason, to hold the victim down while the killer stabs him to death.¶ In this scenario, the killer commits what may be the most serious kind of rights-violation possible. What about the accomplice who holds the victim down? Most would agree that his crime is, if not equivalent to murder, something close to murder in degree of wrongness, even though he neither kills nor injures the victim. Considered merely as the act of holding someone down for a few moments, the accomplice’s action [307] seems a minor rights-violation. What makes it so wrong is that it prevents the victim from either defending himself or fleeing from the killer—that is, it violates the right of self-defense. (To intentionally and forcibly prevent a person from exercising a right is to violate that right.) We may also say that the accomplice’s crime was that of assisting in the commission of a murder—this is not, in my view, a competing explanation of the wrongness of his action, but rather an elaboration on the first explanation. Since the right of self-defense is a derivative right, serving to protect the right to life among other rights, violations of the right of self-defense will often cause or enable violations of the right to life.¶ It is common to distinguish killing from letting die. In this example, we see a third category of action: preventing the prevention of a death. This is distinct from killing, but it is not merely letting die, because it requires positive action. The example suggests that preventing the prevention of a death is about as serious a wrong as killing. In any case, the fact that serious violations of the right of self-defense are morally comparable to murder serves to show that the right of self-defense must be a very weighty right.¶ The intuition of the extreme wrongness of the accomplice’s act is supported by the criteria for the seriousness of rights-violations suggested in §2.3. First, the right to life is of foremost importance to individuals’ ability to carry out their plans for their own lives. Second, the right of self-defense is very important to protecting individuals’ right to life. Third, holding down a person who is being stabbed is extremely serious as a violation of the right of self-defense.¶ We turn to premise 2, that gun prohibition is serious as a violation of the right of self-defense. Consider:¶ ¶ Example 2 ¶ As in example 1, except that the victim has a gun by the bed, which he would, if able, use to defend himself from the killer. As the killer enters the bedroom, the victim reaches for the gun. The accomplice grabs the gun and runs away, with the result that the killer then stabs his victim to death.

#### A ban violates this right to self defense. Huemer 3:

The analogy between the accomplice’s action in this case and a general firearms prohibition should be clear. A firearms ban would require confiscating the weapons that many individuals keep for self-defense [308] purposes,Footnote with the result that some of those individuals would be murdered, robbed, raped, or seriously injured. If the accomplice’s action in example 2 is a major violation of the right of self-defense, then gun prohibition seems to be about equally serious as a violation of the right of self-defense.

## Extra Cards

Guns are used surprisingly often by private citizens in the United States for self-defense purposes. Fifteen surveys, excluding the one discussed in the following paragraph, have been conducted since 1976, yielding estimates of between 760,000 and 3.6 million defensive gun uses per year, the average estimate being 1.8 million.Footnote Probably among the more reliable is Kleck and Gertz’ 1993 national survey, which obtained an estimate of 2.5 million annual defensive gun uses, excluding military and police uses and excluding uses against animals. Gun users in 400,000 of these cases believe that the [313] gun certainly or almost certainly saved a life.Footnote While survey respondents almost certainly overestimated their danger,Footnote if even one tenth of them were correct, the number of lives saved by guns each year would exceed the number of gun homicides and suicides. For the purposes of Kleck and Gertz’ study, a “defensive gun use” requires respondents to have actually seen a person (as opposed, for example, to merely hearing a suspicious noise in the yard) whom they believed was committing or attempting to commit a crime against them, and to have at a minimum threatened the person with a gun, but not necessarily to have fired the gun. Kleck’s statistics imply that defensive gun uses outnumber crimes committed with guns by a ratio of about 3:1.Footnote While Kleck’s statistics could be an overestimate, one should bear three points in mind before relying on such a hypothesis to discount the defensive value of guns. First, Kleck’s figures would have to be very large overestimates in order for the harms of guns to exceed their benefits. Second, one would have to suppose that all fifteen of the surveys alluded to have contained overestimates. Third, it is not clear prima facie that an overestimate is more likely than an underestimate; perhaps some respondents either invent or misdescribe incidents, but perhaps also some respondents either forget or prefer not to discuss their defensive gun uses with a stranger on the telephone.Footnote [314]

One survey, the National Crime Victimization Survey, obtained an estimate an order of magnitude below the others. The NCVS statistics imply something in the neighborhood of 100,000 defensive gun uses per year.Footnote Though even this number would establish a significant self-defense value of guns, the NCVS numbers are probably a radical underestimate, given their extreme divergence from all other estimates. Kleck describes the methodological flaws of the NCVS,Footnote one of the more serious being that the NCVS is a non-anonymous survey (respondents provide their addresses and telephone numbers) which the respondents know to be sponsored by the U.S. Justice Department. Respondents may hesitate to non-anonymously report their defensive gun uses to employees of the law enforcement branch of the federal government, particularly if they believe there is any chance that they might be accused of doing anything illegal. In addition, respondents are not asked specifically about defensive gun uses, but are merely invited in a general way to describe anything they did for self-protection. And respondents are not asked about self-protective actions unless they have previously answered affirmatively to the crime victimization questions, and it is known that the NCVS drastically underestimates at least domestic violence incidents; only 22% of domestic assaults appearing in police records (which may themselves be incomplete) were mentioned by respondents to the survey.Footnote

#### The imminence of death does not deny that the action was just as bad.Gov knows this will happen.

A third difference might be that, whereas we assume that in example 2 the accomplice knows that the victim is going to be killed or seriously injured, the state does not know that its anti-gun policy will result in murders and injuries to former gun-owners. This, however, is surely not true. Although the state may claim that the lives saved by a gun ban would outnumber the lives cost, one cannot argue that no lives will be cost at all, unless one claims implausibly that guns are never used in self-defense against life-threatening attacks. Some will think the former claim is all that is needed to justify a gun ban; this would return us to the first objection.

## Frontlines

### Imminence objection

#### Yes the accomplice’s actions imminently resulted in death but that isn’t morally relevant. Huemer:

Second, it might be argued that example 2 differs from a gun ban in that the murder is imminent at the time the accomplice takes the gun away. But this seems to be morally irrelevant. For suppose that the accomplice, knowing that someone is coming to kill the victim tomorrow (while the victim does not know this), decides to take the victim’s gun away from him today, again resulting in his death. This would not make the accomplice’s action more morally defensible than it is in example 2.

### A2 Util Turns NC

#### The NC establishes a inviolable right to freedom. Even if violating the right would allow for a greater increase in freedom in the long run it is irrelevant because that requires a consequentialist view of the framework.

#### we don’t deny that guns are sometimes used for bad purpose – the argument is just that guns are not expressly made for that purpose so there is nothing inherent about it that violates freedom.

#### 3. the aff might ensure that there are less situations where the gun would be needed for self defense but it can do nothing for individuals who need a gun in that exceptional circumstance- still violates the right.

#### The risks are overstated and unlikely – not enough to override the rights violation

Michael Huemer, Social Theory and Practice, Volume 29, Issue 2, April 2003, Is There a Right to Own a Gun?

Some may think that the firearms accident statistics miss the point: the real risk that gun ownership imposes on others is the risk that the gun owner or someone else will ‘lose control’ during an argument and decide to shoot his opponent. Nicholas Dixon argues: “In 1990, 34.5% of all murders resulted from domestic or other kinds of argument. Since we are all capable of heated arguments, we are all, in the wrong circumstances, capable of losing control and killing our opponent.”Footnote In [303] response, we should first note the invalidity of Dixon’s argument. Suppose that 34.5% of people who run a 4-minute mile have black hair, and that I have black hair. It does not follow that I am capable of running a 4-minute mile. It seems likely that only very atypical individuals would respond to heated arguments by killing their opponents. Second, Dixon’s and McMahan’s claims are refuted by the empirical evidence. In the largest seventy-five counties in the United States in 1988, over 89 percent of adult murderers had prior criminal records as adults.Footnote This reinforces the common sense view that normal people are extremely unlikely to commit a murder, even if they have the means available. So gun ownership does not typically impose excessive risks on others.